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JUN 15 2004

Serial No: 10/781136  
Attorney Docket No: 160-014

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**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8**

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Mary Steubing  
signature

Mary Steubing, Reg. No. 37,946  
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PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/781136
	Filing Date	02/18/2004
	First Named Inventor	Backes
	Group Art Unit	2661
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	160-014

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) and letter <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice to File Missing Parts Copy of Originally-filed Declaration Copy of Originally-filed Transmittal Copy of Return Receipt Postcard
Remarks		Please charge any deficiency or credit any overpayment to Deposit Account No. 502569.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Mary Steubing, Reg. No. 37,948 Steubing McGuinness & Manaras LLP
Signature	<i>Mary Steubing</i>
Date	6/15/04

**CERTIFICATE OF MAILING OR FACSIMILE**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 33212 or being facsimile transmitted to the United States Patent and Trademark Office at number (703) 872-9306 on this date:

Type or printed name	Carol Ann Mahoney		
Signature	<i>Carol Ann Mahoney</i>	Date	6/15/04

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JUN 15 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Backes

Application No.: 10/781136

Filed: 02/18/2004

Title: Apparatus for Scanning Radio Frequency Channels

Attorney Docket No.: 160-014

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Group Art Unit:

Examiner: not yet known

OFFICIAL

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of May 17, 2004, Applicant respectfully asserts that the Notice was issued in error. A signed declaration was submitted with the initial filing. Copies of that declaration, a copy of the transmittal letter and USPTO stamped return receipt postcard are attached as evidence. Applicant requests that the Initial Patent Examining Division withdraw the notice and hereby accept this copy of the declaration to complete the file. No fee should be due, however authorization to charge any fee deficiencies to Deposit Account 502569 is hereby given.

Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mary Steubing, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

6/15/04  
Date

*Mary Steubing*  
Mary Steubing, Reg. No. 37,946  
Attorney/Agent for Applicant(s)  
Steubing McGuinness & Manaras LLP  
125 Nagog Park Drive  
Acton, MA 01720  
(978) 264-6664

Docket No. 160-014

Dd: 7/17/2004

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/781,136	02/18/2004	Floyd J. Backes	160-014

34845  
STEURING AND MCGUINNESS & MANARAS LLP  
125 NAGOG PARK  
ACTON, MA 01720

CONFIRMATION NO. 3350

## FORMALITIES LETTER

\*OC000000012667109\*

Date Mailed: 05/17/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

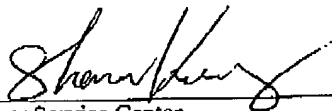
Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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PTO/SB/05 (03-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> (Only for new nonprovisional applications under 37 CFR 1.53(b))		Attorney Docket No.	160-014
		First Inventor	Backes
		Title	Apparatus for Scanning Radio Frequency Channels
		Express Mail Label No.	EV439629124US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
---	--

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2. ☒ Applicant claims small entity status.  
 See 37 CFR 1.27.
3. ☒ Application for Patent [Total Pages **100**]  
*(preferred arrangement set forth below)*
- 96 pp. Specification  
 3 pp. - Claim(s) 1-4  
 1 pg. - Abstract of the Disclosure

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **62**]
5. ☒ Oath or Declaration [Total Sheets **2**]
- a. ☒ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
- i. ☐ **DELETION OF INVENTOR(S)**  
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16. ☐ Nonpublication Request under 35 U.S.C. 122  
 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: .....

Prior application information:

Examiner

Group Art Unit: .....

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label **34845** or ☐ Correspondence address below  
*(Insert Customer No. or Attach bar code label here)*

Name	Steubing McGuinness & Manaras LLP				
Address	125 Nagog Park Drive				
City	Acton	State	MA	Zip Code	01720
Country	USA	Telephone	978-264-6664	Fax	978-264-9119


Name (Print/Type)	Mary Steubing	Registration No. (Attorney/Agent)	37,946
Signature	<i>Mary Steubing</i>	Date	February 18, 2004

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Serial No. \_\_\_\_\_ File No. 160-014 By: MS  
Title: Apparatus for Draining  
Application of: Backes Date: \_\_\_\_\_  
The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input checked="" type="checkbox"/> Mailing by Express Mail (37 CFR 1.10) Express Mail Label No. <u>21439629124US</u>	<input type="checkbox"/> Provisional Application Cover Sheet
<input checked="" type="checkbox"/> Patent Application	<input type="checkbox"/> Multiple Dependent Claim Fee Sheet
<input checked="" type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional Ind. <u>100</u> pages, ( <u>5</u> pgs) Specification	<input type="checkbox"/> Inf. Disc. Statement, PTO Form 1449
<input type="checkbox"/> pgs) Abstract ( <u>3</u> pgs) Claims ( <u>14</u> # claims)	<input type="checkbox"/> References Cited
<input checked="" type="checkbox"/> Design Patent Application	<input type="checkbox"/> Priority Document(s) # _____
<input checked="" type="checkbox"/> Declaration(s)	<input type="checkbox"/> Copy of Notice to File Missing Parts
<input checked="" type="checkbox"/> Drawings <u>1</u> Sheet(s) (FIGS. <u>1-59</u> )	<input type="checkbox"/> Amendment/Response
<input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Petition for Ext. of Time (x2)
<input checked="" type="checkbox"/> Utility Patent Application Transmittal	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Fee calculation sheet (x2)	<input type="checkbox"/> Letter to Official Draftsperson
<input checked="" type="checkbox"/> CPA Transmittal	<input type="checkbox"/> Notice of Appeal
<input checked="" type="checkbox"/> Verified Statement claiming small entity status	<input type="checkbox"/> Brief (x3)
<input checked="" type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Check for \$ _____ Check # _____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Transmittal Letter (x2)
	<input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(s)

17497 U.S. PTO  
10/781136

DATE MAILED 2/18/04  021804